

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**DANIELLE RAE BOWER,**  
  
**Debtor.**

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**Bankruptcy No. 23-20273-GLT**  
  
**Chapter 13**

**KENNEDY BOWER,**  
  
**Movant,**  
  
**vs.**

**Document No.**  
  
**Related to Doc. Nos. 14 & 20**

**DANIELLE RAE BOWER,**  
  
**Respondent.**

**Hearing Date and Time:**  
**March 20, 2023 at 1:00pm**

**OBJECTION TO DEBTOR'S  
CHAPTER 13 PLAN DATED FEBRUARY 21, 2023**

AND NOW, comes Kennedy Bower, by and through her undersigned counsel, and files the within **Objection to Debtor's Chapter 13 Plan Dated February 21, 2023** as follows:

1. Danielle Rae Bower ("Debtor") filed her Plan of Reorganization (the "Plan") on February 21, 2023.
2. On February 22, 2023, a Notice of Chapter 13 Bankruptcy was filed, which Notice scheduled an initial hearing on the Plan for March 20, 2023.
3. The Debtor has a life estate in real property ("Property") located at 4101 Pokolodi Circle, Addison, Texas 75001. Kennedy Bower ("Movant") has a remainderman interest in the Property.
4. The Plan states that the Debtor intends to sell the Property.

5. However, as Debtor merely holds a life estate, Debtor is barred from seeking a sale of the Property under 11 U.S.C. § 363 (h).

6. While 11 U.S.C. § 363 (h) permits the Debtor to sell property in which both the debtor and a nondebtor maintain a property interest, the property interest must fit into one of the following three categories: (1) a tenancy in common; (2) a joint tenancy; or (3) a tenancy by the entirety. *See, Kovacs v. Sargent* (In re Sargent), 337 B.R. 661, 663 (N.D.OH. 2006).

7. Here, the Debtor's life estate interest does not fit into any of the three categories. In fact, the Court in *Kovacs* specifically held that a Debtor cannot sell a property when her interest is limited to that of a life estate. *Id. at 666-67*.

8. Accordingly, the Plan should not be confirmed.

WHEREFORE, Kennedy Bower respectfully requests that this Honorable Court deny confirmation of the Chapter 13 Plan dated February 21, 2023.

Dated: March 16, 2023

/s/Ryan J. Cooney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of March 2023, a true and correct copy of the foregoing **Objection to Debtor's Chapter 13 Plan** Dated February 21, 2023 was served upon the following via electronic service:

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Dated: March 16, 2023

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